

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP/(954) 797-1101

**SUBJECT:** Ordinance

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO R-3, LOW DENSITY DWELLING DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 1-3-01 Applicant: Phoenix III Corporation, petitioner/Harry C. Speyer, owner. 5401 SW 82 Avenue/Generally located between Pine Island Road and SW 82 Avenue approximately 2,400 feet north of Stirling Road.

**REPORT IN BRIEF:**

The applicant is requesting to rezone a 9.6 acre site from A-1, Agricultural District to R-3, Low Density Dwelling District for the purposes of constructing twenty-eight (28) single family residential dwelling units. The twenty-eight (28) dwelling units are the maximum permitted by the subject site's Residential 3 DU/Acre Land Use Plan Designation. The proposed zoning will be compatible with the surrounding zonings to the north and south. It will also remain consistent with the Town of Davie and Broward County Land Use Plan designation for the subject site as Residential (3 DU/Acre).

**PREVIOUS ACTIONS:**

Town Council approved the request at the March 21, 2001 meeting (motion carried 5-0).

**CONCURRENCES:**

The Planning and Zoning Board recommended to approve the request at its March 14, 2001 meeting (motion carried 3-0, Ms. Moore recused herself).

**FISCAL IMPACT:** None.

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Ordinance, Legal Description, Subject Site, Land Use Map, Aerial.

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO R-3, LOW DENSITY DWELLING DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District, to R-3, Low Density Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural District, to R-3, Low Density Dwelling District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as R-3, Low Density Dwelling District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

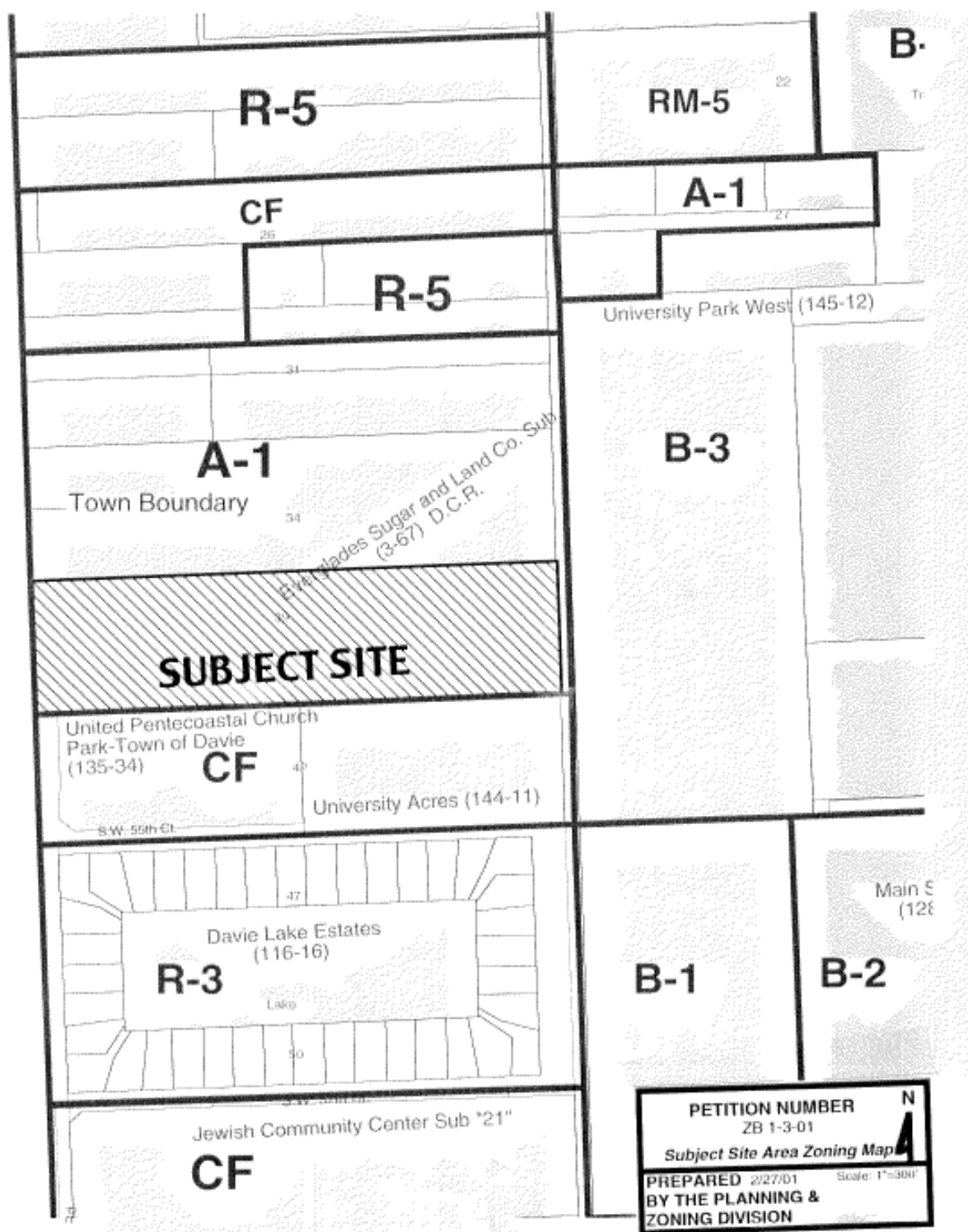
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.

LEGAL DESCRIPTION:

Tract 39 of the Everglades Sugar and Land Company Subdivision in Section 33, Township 50 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 3, Page 67 of the Public Records of Dade County, Florida. Less the Rights-of-way of Pine Island Road and SW 82nd Avenue.

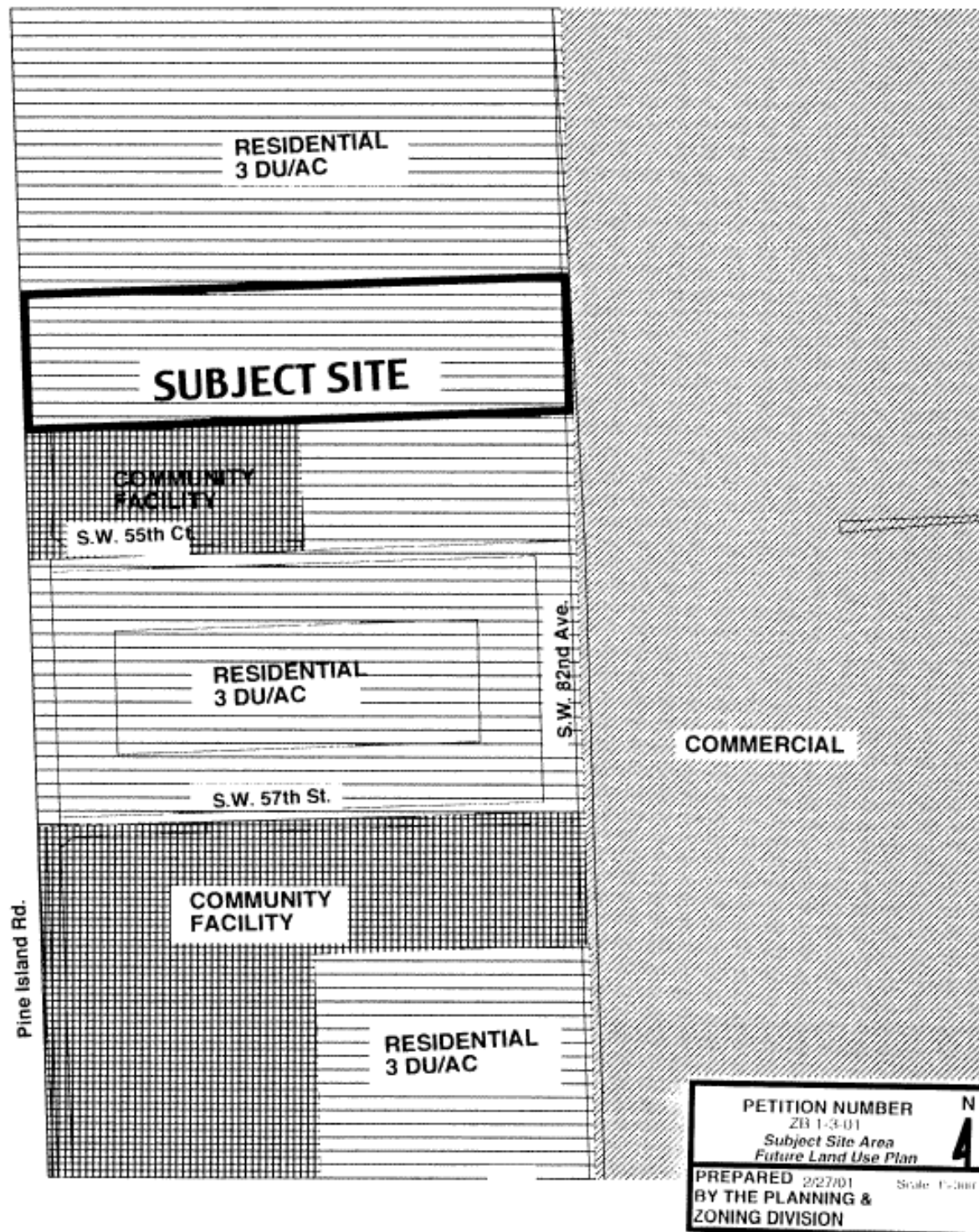
Said land situate lying and being in the Town of Davie, Broward County, Florida.

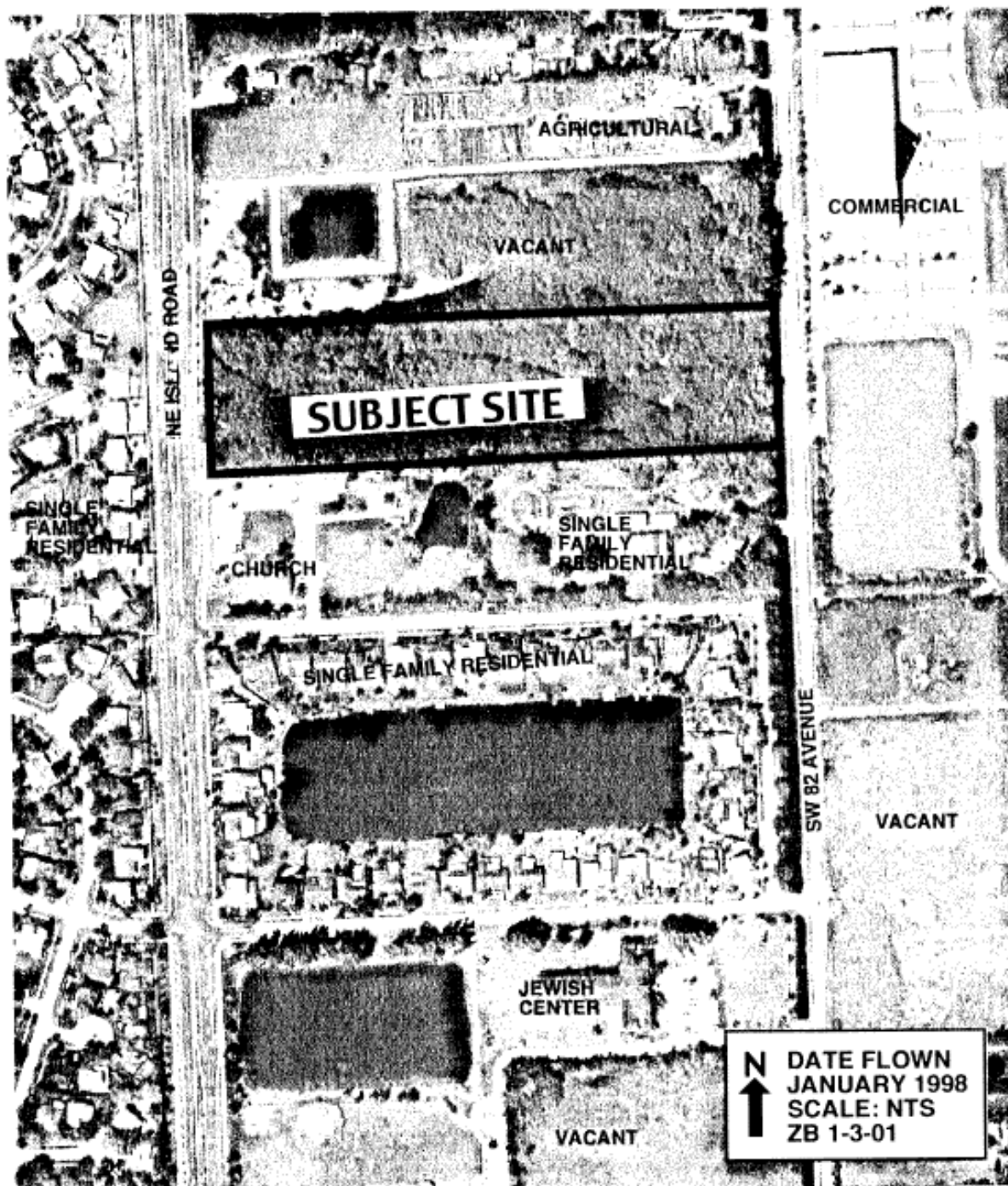
EXHIBIT "A"



PETITION NUMBER  
ZB 1-3-01  
Subject Site Area Zoning Map **4**

PREPARED 2/27/01 Scale: 1"=300'  
BY THE PLANNING &  
ZONING DIVISION





N  
↑  
DATE FLOWN  
JANUARY 1998  
SCALE: NTS  
ZB 1-3-01